REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 39-43 and 48-51 are presently active in the application. Claims 44-47 and 52-93 have been withdrawn from consideration. Claims 39-42 are amended by the present amendment.

In the outstanding Office Action, Claims 40, 41, 50, and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by International Patent WO 98/57611 to Canto; Claim 42 was rejected under 35 U.S.C. § 103(a) as unpatentable over Canto in view of U.S. Patent No. 4,576,149 to Otuka et al. (herein "Otuka"); Claim 39 was rejected under 35 U.S.C. § 103(a) as unpatentable over Canto in view of Otuka.

Claims 40, 41, 50, and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by Canto. Applicants respectfully traverse that rejection.

Amended Claim 40 is directed to a massaging apparatus that includes a supporting arm directly connected to a therapeutic member by a supporting shaft. The supporting arm is pivotally supported on the messaging apparatus and the supporting arm is moveable along a body of a user. The messaging apparatus also includes a pivotal-position-detecting sensor configured to detect that the supporting arm has reached a prescribed range of pivotal positions. Independent Claim 41 includes similar features.

In a nonlimiting example, Figures 1 and 2 show a supporting arm 26 directly connected to therapeutic members 8 and 9 by supporting shafts 49. The supporting arm with the therapeutic members is normally biased into position "a" by spring 55. However, as shown in Figure 8, when a user is seated in the chair 4, the user's back pivots supporting arm 26 in the counter clockwise direction to position "b" as shown in Figure 1, as the supporting arm and therapeutic members move from a lower limit stop S2 toward an upper limit stop S1.

When the supporting arm 26 reaches the user's shoulder, the supporting arm 26 rotates counter clockwise as shown by the arrow "c" illustrated in Figure 1.

The pivotal position detecting sensor 60, illustrated in Figures 1 and 2, includes a light emitting element 57 and light detecting element 58. When the supporting arm 26 is in the position "b" indicated by the dashed lines, the light detecting element 58 can detect the light from the light emitting element 57. However, when the supporting arm 26 rotates to the position "a" illustrated by the solid line in Figure 1, a portion of the supporting arm 26 blocks the path between the light emitting element 57 and the light detecting element 58 thereby indicating that the supporting arm 26 have reached the wearer's shoulder as indicated in Figure 8. See page 58, line 7 to page 61, line 12.

Applicants respectfully submit that Canto does not teach or suggest a sensor configured to detect that the supporting arm directly connected to a therapeutic member by a supporting shaft has reached a prescribed range of pivotal position. In Figure 3, Canto shows a supporting arm that supports the therapeutic member 6 or 15. The sensor 17 relied upon in the Office Action as the pivotal position detecting sensor appears to detect only the angular position of associated shaft 2 or 11 with respect to the axis of rotation of motors 1 or 10, respectively. However, as illustrated in Figure 3, the supporting arm 5 or 14 is free to swivel about an unlabeled central access constrained only by an unlabeled spring. Thus, it is not possible to determine an angular position of the supporting arm on which the therapeutic members are directly mounted from the angular position of associated shaft 2 or 11 in Canto. Hence, it is respectfully submitted that Canto does not teach or suggest "a supporting arm directly connected to a therapeutic member by a supporting shaft [and] . . . a pivotal-position-detecting sensor configured to detect that the supporting arm has reached a prescribed range of pivotal positions," as in independent Claims 40 and 41.

Accordingly, it is respectfully submitted that independent Claims 40 and 41, and claims dependent thereon, are allowable.

Claims 39 and 42 were rejected under 35 U.S.C. § 103(a) as obvious over Canto in view of Otuka. Applicants respectfully traverse that rejection.

Amended independent Claim 39 is directed to a messaging apparatus and includes a supporting arm directly connected to a therapeutic member by a supporting shaft. The supporting arm is pivotally supported on the massaging apparatus and the supporting arm is moveable along a body of a user. The massaging apparatus also includes a sensor configured to detect a position of a specific portion of the user with respect to the massaging apparatus by determining a relationship between a vertical position of the supporting arm and a pivotal position of the supporting arm. Amended independent Claim 42 includes similar features.

As discussed above, Applicant respectfully submits that Canto does not teach or suggest the ability to detect a pivotal position of the supporting arm. Further, Applicants respectfully note that Otuka also does not teach this feature.

Accordingly, it is respectfully submitted that independent Claims 39 and 42, and claims dependent therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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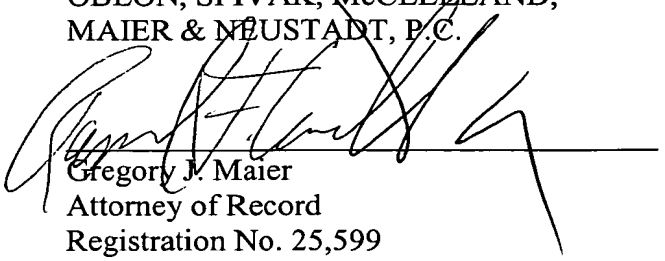

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